

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR, et al.

vs.

C.A. No. 00 - 105L

THE PALESTINIAN AUTHORITY, et al.

PLAINTIFFS' FIRST SET OF REQUEST FOR ADMISSIONS  
PROPOUNDED TO THE PALESTINIAN AUTHORITY

Now come the plaintiffs and request that the defendant, the Palestinian Authority, admit to the truth of the matters set forth herein. Each of the matters of which an admission is requested shall be deemed admitted unless within thirty (30) days after service hereof the defendant, the Palestinian Authority, shall serve upon the plaintiff a denial or objection in accordance with Fed. R. Civ. P. 36. Where requests have subparts, please respond to each individually.

The word "HAMAS" refers to Islamic Resistance Movement (a.k.a. "Harakat Al-Muqawama Al Islamiyya") including its Dawa and military wing.

The word "Palestinian Authority" means The Palestinian Authority, Palestine National Authority, Palestinian Interim Self-Government Authority, Palestinian Legislative Counsel, General Intelligence Services, Preventative Security Services, Palestinian Police, Palestinian National Fund, Department of Finance, Palestine Monetary Fund, Joint Investment Fund, Palestinian National Authority Pension Fund, P.E.C.D.A.R., P.C.S.C., P.A., SAMED, Palestine Monetary Authority, P.M.A., Investment Department, and any agency, instrumentality, and/or subdivision of same.

1. Imad Abbas has been employed by the Palestinian Authority.
2. Imad Abbas was a member of HAMAS and simultaneously an employee of the Palestinian Authority.
3. Abd al-Khader Amar has been employed by the Palestinian Authority.
4. Abd al-Khader Amar was a member of HAMAS and simultaneously an employee of the Palestinian Authority.
5. Raid Bashiti has been employed by the Palestinian Authority.
6. Raid Bashiti was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

7. Adnan al-Gol has been employed by the Palestinian Authority.

8. Adnan al-Gol was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

9. Atef Hamadan has been employed by the Palestinian Authority.

10. Atef Hamadan was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

11. Bassam Issa has been employed by the Palestinian Authority.

12. Bassam Issa was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

13. Sufian Abu Jadian has been employed by the Palestinian Authority.

14. Sufian Abu Jadian was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

15. Kamal Khalifa has been employed by the Palestinian Authority.

16. Kamal Khalifa was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

17. Yasser Yusef Khasin has been employed by the Palestinian Authority.

18. Yasser Yusef Khasin was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

19. Salaam Abu Maarouf has been employed by the Palestinian Authority.

20. Salaam Abu Maarouf was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

21. Yusuf Malhi has been employed by the Palestinian Authority.

22. Yusuf Malhi was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

23. Mahmad A. Sanwar has been employed by the Palestinian Authority.

24. Mahmad A. Sanwar was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

25. Abd al-Fatah Sitri has been employed by the Palestinian Authority.

26. Abd al-Fatah Sitri was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

27. Osama Abu Taha has been employed by the Palestinian Authority.

28. Osama Abu Taha was a member of HAMAS and simultaneously an employee of the Palestinian Authority.

29. The Palestinian Authority and HAMAS reached a series of mutual cooperation agreements and/or joint communications, on:

- a. October 12, 1995;
- b. December 22, 1995.

30. The Palestinian Authority and HAMAS entered an agreement in October 1995 to, inter alia, "fortify the positive relationship between all political forces."

31. The Palestinian Authority entered an agreement with HAMAS in October 1995 which, inter alia, affirmed their "mutual respect in avoiding all forms of accusation."

32. The Palestinian Authority entered an agreement with HAMAS in October 1995 in which the Palestinian Authority "recognizes that HAMAS is a valiant national movement which has participated in the national Palestinian struggle and has the right to legitimately exist and operate without any hindrances or harassments."

33. The Palestinian Authority entered an agreement with HAMAS in October 1995 in which the Palestinian Authority undertook to "begin forming a national committee, which will include HAMAS and all the political factions, in order to draft the charter and draft laws which will ensure democracy (shura)."

34. The Palestinian Authority entered an agreement with HAMAS in October 1995 stating "Security is a joint national responsibility. Security is meant to protect the entire nation unless all citizens regardless of their political affiliations, must be a part of the security apparatus. The security apparatus is the property of all, and thus it must be unified under one leadership, and its duties of protecting citizens and ensuring that they are properly treated must be determined."

35. The Palestinian Authority entered an agreement with HAMAS in October 1995 stating, "a joint committee, comprised of members of the two leaderships, for continued coordination in emergency situations, the committee will evaluate and discuss the circumstances, keeping in mind the good of our people, and striving to provide it with an honorable and free life. This committee will be formed with the publicizing of this agreement."

36. The Palestinian Authority entered an agreement with HAMAS in October 1995 stating "HAMAS has the right to participate in nation building through civil and security bodies, according to a system agreed upon by both sides."

37. In Cairo between December 18 through 21, 1995, the Palestinian Authority representative, Salim Al-Za'nun, and HAMAS representative, Khalid Mash'al, met and reached an agreement concerning numerous issues, including operational cooperation between HAMAS and the Palestinian Authority.

38. The attached Exhibit A is an accurate copy of the December 22, 1995 agreement between HAMAS and the Palestinian Authority.

39. The Palestinian Authority invited HAMAS to an August 1997 National United Conference to Confront the Challenge in Gaza.

40. Palestinian Authority Chairman Yasser Arafat invited HAMAS to join his cabinet in the Palestinian Authority.

41. The Palestinian Authority has never outlawed HAMAS.

42. The Palestinian Authority has never prohibited HAMAS from maintaining headquarters, offices or training facilities in the territory under its control.

43. The Palestinian Authority authorizes HAMAS to operate as a legal entity.

44. The Palestinian Authority does not distinguish between HAMAS' political or military factions in its relations with HAMAS.

45. In 2000, prior to the conclusion of their prison sentences, and in some instances prior to their trials, the Palestinian Authority released all HAMAS prisoners and pre-trial detainees from Palestinian Authority jails.

46. On or about March 10, 1997, Palestinian Authority officials released Ibrahim Maqadmah from a Palestinian Authority prison.

47. In 2000, the Palestinian Authority released Adnan Jaber Ghul from its prison.

48. In 2000, the Palestinian Authority released Muhammed Deif from prison.

49. HAMAS leader Imad Falooji was appointed a Palestinian Authority cabinet member.

50. HAMAS leader Talal Sidr was appointed a Palestinian Authority cabinet member.

51. Staff members of the newspaper Al-Hayat and Al-Jadida are employees and/or agents of the Palestinian Authority.

52. The Palestinian Authority provided one or more of the HAMAS defendants convicted of murdering decedents Yaron and Efrat Ungar with false Palestinian Authority police identification cards.

53. Palestinian Authority officials instructed one or more of the HAMAS defendants convicted of murdering decedents Yaron and Efrat Ungar to pose as Palestinian policemen if stopped by Israeli authorities.

54. The Palestinian Authority provided refuge, safe haven and shelter to Ibrahim Ghanimat, who is wanted by Israeli authorities for the murder of decedents Yaron and Efrat Ungar.

55. Ibrahim Ghanimat currently

- a. freely resides and is employed in areas controlled by the Palestinian Authority;
- b. is not sought by any Palestinian security service for his role in the Ungars' murder.

56. Palestinian Authority Chairman Yasser Arafat appointed HAMAS leader Hamed Bitawa as "Chairman of the Palestine Council of Sages."

57. Muhammad Dahlan, chief of Palestinian Authority security in Gaza stated on June 15, 1997 on Palestinian television, "there are many HAMAS and Jihad members in the Preventative Intelligence."

58. Ghazi Jabali stated on Palestinian television on June 24, 1997 "there are more than 150 HAMAS and PFLP members in key positions in the Palestinian police."

59. Jibril Rajoub, the Palestinian Chief of Preventative Security in the West Bank, stated on December 31, 1997 to the newspaper Abu Dhabi Al Ittihad "HAMAS are our comrades in arms. I am one of those people who see HAMAS and the Palestinian Islamic Movement as part of the National Liberation Movement within Islamic dimension. It is my duty and my task to maintain such relations."

60. Palestinian Authority Chairman Yasser Arafat has referred to "HAMAS activists" as "sons of the PLO."

61. Palestinian Authority Chairman Yasser Arafat has stated that the sum of \$1,000 is paid by the Palestinian Authority to each member of HAMAS imprisoned by the Israeli Government.

62. Palestinian Authority Chairman Yasser Arafat referred to Yiyhe Ayyash in public pronouncements as "holy."

63. Palestinian Authority Chairman Yasser Arafat in a letter on or about October 5, 1994 to HAMAS leader Sheikh Yassin and HAMAS terrorist Sheikh Hunam, stated "My brother, Sheikh Yassin, my brother the holy Sheikh Abdelhadi Hunam, I recognize your participation in the struggle to free Palestine. Because of you, Palestine is free."

64. Palestinian Authority Chairman Yasser Arafat told Reuters on August 18, 1995 "I am not going to fight HAMAS terrorists."

65. Palestinian Authority Chairman Yasser Arafat told the New York Times on January 8, 1996 that Yiyhe Ayyash was a "struggler, the martyr."

66. The Palestinian Authority Chairman Yasser Arafat referred to Yiyhe Ayyash in the New York Times and CBS Evening News of January 8, 1996 as "a hero of the Palestinian people" and "a martyr."

67. Palestinian Authority Chairman Yasser Arafat stated in a speech on June 5, 1996 "If Israel rejects our demands there will be a reaction and we have a 30,000 man armed force."

68. Palestinian Authority Chairman Yasser Arafat stated at a Gaza political rally on June 9, 1996, "We are committed to all martyrs who died for the cause of Jerusalem starting with Ahmed Musa until the last martyr Yiyhe Ayyash."

69. Palestinian Authority Chairman Yasser Arafat told the Jerusalem Post on July 28, 1996 that "Yiyhe Ayyash was a martyr."

70. Palestinian Authority Chairman Yasser Arafat told United Press International on September 12, 1996 "there is no confrontation with HAMAS and the Palestinian Authority."

71. Palestinian Authority Chairman Yasser Arafat stated on May 25, 1997 that "the HAMAS movement is one of many patriotic movements. Even its military wing. One should not forget that the movement took an active part in the Intifadah."

72. Palestinian Authority Chairman Yasser Arafat referred on May 25, 1997 to Yiyha Ayyash as a "sacred martyr."

73. Palestinian Authority Chairman Yasser Arafat told the newspaper Novaya Vremya on May 25, 1997 "HAMAS, even its military wing, is a patriotic movement."

74. Palestinian Authority cabinet member Nabil Sha'ath told Reuters on August 28, 1994 that "we have a brotherly relationship with HAMAS."

75. Palestinian Authority cabinet minister Hanan Ashrawi told the Jerusalem Post on July 25, 1995 that "HAMAS is not the enemy, it is part of the political fabric."

76. Palestinian Authority promised Yiyhe Ayyash "to ensure his safe passage across the Gaza-Egypt border."

77. Palestinian Authority Chairman Yasser Arafat named a public square in Jericho after Yiyhe Ayyash.

78. Palestinian Authority Chairman Yasser Arafat attended Yiyhe Ayyash's funeral and publicly eulogized him.

79. Palestinian Authority Chairman Yasser Arafat personally escorted senior HAMAS leader Jamal Mansour from a Palestinian Authority prison in Nablus.

80. Palestinian Authority security forces employ HAMAS operatives.

81. Palestinian Authority security forces provide training to HAMAS operatives.

82. Palestinian Authority security forces employ and provide weapons training to Islamic Jihad operatives.

83. Palestinian Authority security forces provide training to Islamic Jihad operatives.

84. The Palestinian Authority took no action to investigate the murder of the Ungars.

85. The Palestinian Authority did not investigate the murder of the Ungars.

86. Hassan Salameh was released from detention after reaching an agreement with Palestinian Preventive Security Service chief, Mohammed Dahlan.

87. Upon his release from detention, Hassan Salameh met with and negotiated with Mohammed Dahlan and other officials of the Palestinian Authority to receive a license to carry a firearm.

88. Upon his release from detention, Hassan Salameh obtained a license to carry a firearm from the Palestinian Authority.

89. Other HAMAS terrorists similarly released from detention received licensed weapons from the Preventive Security Services after reaching agreement with Mohammed Dahlan.

90. HAMAS members whom the Palestinian Authority claims to have arrested, detained or imprisoned are quartered in non-penal protective custody in paramilitary barracks or

similar facilities operated by the Palestinian Authority, and are permitted to leave the barracks or facility at will.

91. HAMAS members whom the Palestinian Authority claims to have arrested, detained or imprisoned are permitted to do all of the following in the barracks or facility where they are quartered:

- a. meet freely with other members of HAMAS and other persons of their choice;
- b. communicate with members of HAMAS and other persons of their choice;
- c. use the barracks or facility to conduct HAMAS meetings;
- d. use the barracks or facility to train and train others in the use of weapons and explosives;
- e. plan terrorist attacks; and
- f. construct bombs.

92. The bombs used in the bombing carried out by HAMAS in Jerusalem on July 30, 1997 were built in and on the premises of the Palestinian Authority's protective custody facility in Jericho, by members of HAMAS.

93. The bombs used in the bombing carried out by HAMAS in Jerusalem on September 4, 1997 were built in and on the premises of the Palestinian Authority's protective custody facility in Jericho, by members of HAMAS

94. On repeated occasions during 1995 and 1996, representatives of the United States and Israeli governments demanded that the Palestinian Authority arrest and imprison HAMAS commander Salah Talachmeh (a.k.a. Nasser Salah Talachmeh).

95. In 1996 the Palestinian Authority informed the United States and Israeli governments that Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) had been placed under arrest and was imprisoned in a jail operated by the Palestinian Authority in Jericho.

96. The Palestinian Authority never arrested Salah Talachmeh (a.k.a. Nasser Salah Talachmeh).

97. Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) voluntarily agreed to reside in a facility operated by paramilitary forces of the Palestinian Authority in Jericho. (Hereinafter: the Jericho facility)

98. The Palestinian Authority permitted Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) to leave the Jericho facility at will.

99. Between January 1996 and June 9, 1996, Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) did leave the Jericho facility frequently with the knowledge and the permission of the Palestinian Authority.

100. The Palestinian Authority and its officials knew that between January 1996 and June 9, 1996, Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) left the Jericho facility to meet with HAMAS operatives under his command, including Abdel Rahman Ghanimat and Hassan Salameh.

101. The Palestinian Authority knowingly permitted Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) to use the physical premises and/or telecommunication facilities of the Jericho facility to:

- a. meet freely with HAMAS operatives;
- b. communicate freely with HAMAS operatives;
- c. conduct HAMAS meetings;
- d. train and train others in the use of weapons and explosives;
- e. plan terrorist attacks; and
- f. construct bombs.

102. The Palestinian Authority knowingly permitted Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) to use the physical premises of the Jericho facility to store weapons and explosives, including the rifles and bullets utilized by Abdel Rahman Ghanimat to murder the Ungars.

103. The Palestinian Authority permitted Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) to utilize the Jericho facility to hold meetings with HAMAS operative Abdel Rahman Ghanimat for the purpose of planning HAMAS terrorist attacks.

104. The Palestinian Authority knowingly permitted HAMAS operative Abdel Rahman Ghanimat to enter the Jericho facility for the purpose of holding meetings with Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) to plan HAMAS terrorist attacks.

105. The Palestinian Authority knew that Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) and Abdel Rahman Ghanimat were using the Jericho facility to meet and plan terrorist attacks.

106. The Palestinian Authority monitored and recorded conversations between Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) and Abdel Rahman Ghanimat during their meetings in the Jericho facility in which HAMAS terrorist attacks were planned.

107. Among the terrorist attacks planned by Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) and Abdel Rahman Ghanimat during their conversations in the Jericho facility recorded by the Palestinian Authority, was the terrorist attack in which Yaron and Efrat Ungar were killed.

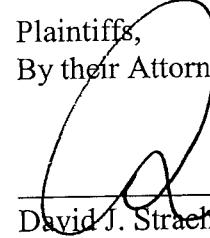
108. The Palestinian Authority possesses recordings of conversations between Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) and Abdel Rahman Ghanimat in the Jericho facility, in which terrorist attacks were planned.

109. The Palestinian Authority possesses a recording of a conversation between Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) and Abdel Rahman Ghanimat in the Jericho facility, in which they planned the terrorist attack in which Yaron and Efrat Ungar were killed.

110. Following the attack in which the Ungars were killed, the commander of the Jericho facility personally congratulated Salah Talachmeh (a.k.a. Nasser Salah Talachmeh).

111. Following the attack in which the Ungars were killed, the rifles utilized by Abdel Rahman Ghanimat in the murder were returned to Salah Talachmeh (a.k.a. Nasser Salah Talachmeh) in the Jericho facility.

Plaintiffs,  
By their Attorneys,

  
\_\_\_\_\_  
David J. Strauchman #4404  
McIntyre, Tate, Lynch & Holt  
321 South Main Street, Ste. 400  
Providence, RI 02903  
(401) 351-7700

CERTIFICATION

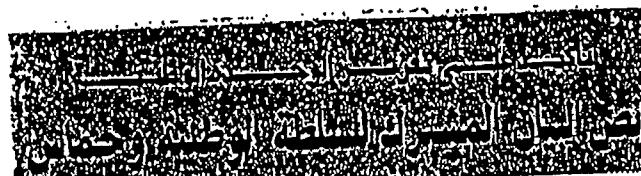
I hereby certify that on the 24 day of January, 2002, I mailed a true copy of the within to:

Ramsey Clark, Esquire  
Lawrence W. Schilling, Esquire  
36 East 12<sup>th</sup> Street  
New York, NY 10003

Deming E. Sherman  
Edwards & Angell, LLP  
2800 Bank Boston Plaza  
Providence, RI 02903



Dec. 22, 95



القاهرة - من ياه شريحة، مذوبي القدس الخاص - فيما يلي نص البيان الصحفي المشترك الذي صدر في منتصف المائة الماضية قيور اختتام المحاولات بين السلطة الوطنية وحركة المقاومة الإسلامية (حماس):

عند في القاهرة اجتماع بين وقد السلطة الوطنية الفلسطينية برئاسة الاخ سليم الزعنون ووفد حركة المقاومة الإسلامية (حماس)، برئاسة الاخ خالد مشعل في الفترة ما بين ٢٨-٣١ (كانون أول) ١٩٩٥ في سيناء الحوار

المتوافق بقية التوصل، التي يأسن تراسنة تقرؤ الوحدة العربية

الفلسطينية، وبما يخدم المصانع العليا للمشغب الفلسطيني وتحقيق أهدافه الوطنية، بما في ذلك حله في تحرير مصیره وإقامة دولة المستقلة وعاصمتها القدس الشريف.

وقد تم بحث المواقف التي ادرجها الطرفان على جدول الأعمال وهي:

١- الوحدة الوطنية الفلسطينية وسبل تعزيزها وحمايتها.

٢- انتخابات المجلس التشريعي الفلسطيني.

٣- العلاقة بين السلطة الوطنية الفلسطينية وحركة حماس.

٤- القرارات منظمة التحرير الفلسطينية والسلطة الوطنية.

وقد جرى الحوار في جو اخوي تسوده الصراحة والوضوح والحرص المشترك على التفاهم والاتفاق على تجويف العلاقات الدينية بين ابناء الشعب الفلسطيني الواحد وقواته السياسية، وقد انفق الوفدان على ما يلي:

١- التأكيد على ترسیخ الوحدة الوطنية على لغاية التعدية السياسية وتحريم الاقتتال واعتماد مبدأ الحوار فيما حضارياً ووحيداً في التعامل بين مختلف الأطراف على الساحة الفلسطينية.

٢- التأكيد على تهيئة الأجواء من أجل تعميق اللقة والتلاقي وتعزيز وحدة المصلح الفلسطيني وصولاً بتحقيق الأهداف الوطنية.

٣- التأكيد على بذل الجهود كافة من أجل الإفراج عن جميع الأخوات والأخوة الأسرى والمعتقلين في سجون الاحتلال.

٤- تشكيل لجنة مطلوبة لمعالجة المشكلات العالقة.

ولم يضيء الحوار بين الطرفين حول انتخابات المجلس التشريعي والقرارات السلطانية الفلسطينية فقد اختلفت حركة حماس بمقتضى

تجاه هاتين القضيةتين مما عدم ايجار احد على مقاطعة انتخابات وان حركة «حماس» لا تستهدف اخراج السلطة.

ان ما تم تحقيقه بفضل الله في هذه الجولة من الحوار يشكل خطوة ايجابية هامة من اجل الاستمرار على نهج الحوار الديمقراطي الاخوي، وفي هذا السياق تم الاتفاق على مواصلة اللقاءات من اجل تحقيق التفاهم والاخوة بين ابناء الشعب الواحد.

والوجه الشكر لجمهورية مصر العربية ورئيسها السيد محمد حسني مبارك وحكومة مصر وشعبها الشقيق على احتضانهم لهذا اللقاء على ارض الكناة

«واعتصوا بحبل الله جمِعاً ولا تارقو»

صدىق الله العظيم  
القاهرة في ٢١/١٢/١٩٩٥

التوقيع  
خالد مشعل

التوقيع  
سليم الزعنون